

HOUSE SUBSTITUTE
FOR
HOUSE COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 184

1 AN ACT

2 To repeal sections 43.500, 43.503, 43.506,
3 43.521, 43.527, 43.530, 43.540, 43.543,
4 195.505, 210.903, 210.909, 210.922, 210.937,
5 221.320, 221.340, 221.350, 589.400, 589.407,
6 589.414, 610.120, 610.123 and 630.170, and to
7 enact in lieu thereof twenty-three new
8 sections relating to criminal records, with
9 penalty provisions.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
11 AS FOLLOWS:

12 Section A. Sections 43.500, 43.503, 43.506, 43.521, 43.527,
13 43.530, 43.540, 43.543, 195.505, 210.903, 210.909, 210.922,
14 210.937, 221.320, 221.340, 221.350, 589.400, 589.407, 589.414,
15 610.120, 610.123 and 630.170, RSMo, are repealed and twenty-three
16 new sections enacted in lieu thereof, to be known as sections
17 43.500, 43.503, 43.506, 43.527, 43.530, 43.532, 43.540, 43.542,
18 43.543, 43.650, 195.505, 210.903, 210.909, 210.922, 221.320,
19 221.340, 221.350, 589.400, 589.407, 589.414, 610.120, 610.123 and
20 630.170, to read as follows:

21 43.500. As used in sections 43.500 to [43.530] 43.543, the
22 following terms mean:

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in boldface type in the above law is proposed language.

1 (1) "Administration of criminal justice", performance of
2 any of the following activities: detection, apprehension,
3 detention, pretrial release, post-trial release, prosecution,
4 adjudication, correctional supervision, or rehabilitation of
5 accused persons or criminal offenders. The administration of
6 criminal justice shall include criminal identification activities
7 and the collection, storage, and dissemination of criminal
8 history information, including fingerprint searches, photographs,
9 and other indicia of identification;

10 (2) "Central repository", the Missouri state highway patrol
11 criminal records and identification division for compiling and
12 disseminating complete and accurate criminal history records and
13 for compiling, maintaining, and disseminating criminal incident
14 and arrest reports and statistics;

15 [(2)] (3) "Committee", criminal records and justice
16 information advisory committee;

17 [(3)] (4) "Criminal history record information",
18 information collected by criminal justice agencies on individuals
19 consisting of identifiable descriptions and notations of arrests,
20 detentions, indictments, informations, or other formal criminal
21 charges, and any disposition arising therefrom, sentencing,
22 correctional supervision, and release;

23 [(4)] (5) "Final disposition", the formal conclusion of a
24 criminal proceeding at whatever stage it occurs in the criminal
25 justice system;

1 (6) "Missouri charge code", a unique number assigned by the
2 office of state courts administrator to an offense for tracking
3 and grouping offenses. Beginning January 1, 2005, the complete
4 charge code shall consist of digits assigned by the office of
5 state courts administrator, the two digit national crime
6 information center modifiers and a single digit designating
7 attempt, accessory, or conspiracy. The only exception to the
8 January 1, 2005, date shall be the courts that are not using the
9 statewide court automation case management pursuant to section
10 476.055, RSMo; the effective date will be as soon thereafter as
11 economically feasible for all other courts;

12 [(5)] (7) "State offense cycle number", a [preprinted]
13 unique number, supplied by or approved by the Missouri state
14 highway patrol, on the state criminal fingerprint card [which].
15 The offense cycle number, OCN, is used to [identify each arrest
16 which may include multiple offenses for which a person is
17 fingerprinted. This number] link the identity of a person,
18 through fingerprints, to one or many offenses for which the
19 person is arrested or charged. The OCN will be [associated with]
20 used to track an offense incident from the date of arrest to the
21 [date] final disposition when the offender exits from the
22 criminal justice system[;

23 (6) "Without undue delay", as soon as possible but not
24 later than thirty days after the criminal history event;

25 (7) "Administration of criminal justice", performance of

1 any of the following activities: detection, apprehension,
2 detention, pretrial release, post-trial release, prosecution,
3 adjudication, correctional supervision, or rehabilitation of
4 accused persons or criminal offenders. The administration of
5 criminal justice shall include criminal identification activities
6 and the collection, storage, and dissemination of criminal
7 history record information, including fingerprint searches,
8 photographs, and other indicia of identification].

9 43.503. 1. For the purpose of maintaining complete and
10 accurate criminal history record information, all police officers
11 of this state, the clerk of each court, the department of
12 corrections, the sheriff of each county, the chief law
13 enforcement official of a city not within a county and the
14 prosecuting attorney of each county or the circuit attorney of a
15 city not within a county shall submit certain criminal arrest,
16 charge, and disposition information to the central repository for
17 filing without undue delay in the form and manner required by
18 sections 43.500 to [43.530] 43.543.

19 2. All law enforcement agencies making misdemeanor and
20 felony arrests as determined by section 43.506 shall furnish
21 without undue delay, to the central repository, fingerprints,
22 charges, appropriate charge codes, and descriptions of all
23 persons who are arrested for such offenses on standard
24 fingerprint forms supplied or approved by the highway patrol or
25 electronically in a format and manner approved by the highway

1 patrol. All such agencies shall also notify the central
2 repository of all decisions not to refer such arrests for
3 prosecution. An agency making such arrests may enter into
4 arrangements with other law enforcement agencies for the purpose
5 of furnishing without undue delay such fingerprints, charges,
6 appropriate charge codes, and descriptions to the central
7 repository upon its behalf.

8 3. In instances where an individual less than seventeen
9 years of age and not currently certified as an adult is taken
10 into custody for an offense which would be [considered] a felony
11 if committed by an adult, the arresting officer shall take [one
12 set of] fingerprints for the central repository [and may take
13 another set for inclusion in a local or regional automated
14 fingerprint identification system]. These fingerprints shall be
15 taken on fingerprint cards [which are plainly marked "juvenile
16 card" and shall be provided by the central repository] supplied
17 by or approved by the highway patrol or transmitted
18 electronically in a format and manner approved by the highway
19 patrol. The fingerprint cards shall be so constructed that [only
20 the fingerprints, unique identifying number, and the court of
21 jurisdiction are] the name of the juvenile should not be made
22 available to the central [or local] repository. [The remainder
23 of the card which bears] The individual's [identification] name
24 and the [duplicate] unique number associated with the
25 fingerprints and other pertinent information shall be provided to

1 the court of jurisdiction by the agency taking the juvenile into
2 custody. The [appropriate portion of the juvenile fingerprint
3 card] juvenile's fingerprints and other information shall be
4 forwarded to the central repository and the courts without undue
5 delay. The fingerprint information from the card shall be
6 captured and stored in the automated fingerprint identification
7 system operated by the central repository. [The juvenile
8 fingerprint card shall be stored in a secure location, separate
9 from all other fingerprint cards.] In the event the fingerprints
10 [from this card] are found to match other tenprints or unsolved
11 latent prints [searched in the automated fingerprint
12 identification system], the central repository shall notify the
13 submitting agency who shall notify the court of jurisdiction
14 [shall be so advised] as per local agreement.

15 4. Upon certification of the individual as an adult, the
16 court shall order a law enforcement agency to immediately
17 fingerprint the individual. The law enforcement agency shall
18 submit such fingerprints to the central repository within fifteen
19 days and shall furnish the offense cycle number associated with
20 the fingerprints to the prosecuting attorney or the circuit
21 attorney of a city not within a county and to the clerk of the
22 court ordering the subject fingerprinted. If the juvenile is
23 acquitted of the crime and is no longer certified as an adult,
24 the prosecuting attorney shall notify within fifteen days the
25 central repository of the change of status of the juvenile.

1 Records of a child who has been fingerprinted and photographed
2 after being taken into custody shall be closed records as
3 provided under section 610.100, RSMo, if a petition has not been
4 filed within thirty days of the date that the child was taken
5 into custody; and if a petition for the child has not been filed
6 within one year of the date the child was taken into custody, any
7 records relating to the child concerning the alleged offense may
8 be expunged under the procedures in sections 610.122 to 610.126,
9 RSMo.

10 [3.] 5. The prosecuting attorney of each county or the
11 circuit attorney of a city not within a county shall notify the
12 central repository on standard forms supplied by the highway
13 patrol or in a manner approved by the highway patrol of all
14 charges filed, including all those added subsequent to the filing
15 of a criminal court case, and whether charges were not filed in
16 criminal cases for which the central repository has a record of
17 an arrest. All records forwarded to the central repository by
18 prosecutors or circuit attorneys as required by sections 43.500
19 to 43.530 shall include the state offense cycle number of the
20 offense, the charge code for the offense, and the originating
21 agency identifier number of the reporting prosecutor, using such
22 numbers as assigned by the highway patrol.

23 [4.] 6. The clerk of the courts of each county or city not
24 within a county shall furnish the central repository, on standard
25 forms supplied by the highway patrol or in a manner approved by

1 the highway patrol, with all final dispositions of [criminal]
2 cases for which the central repository has a record of an arrest
3 or a record of fingerprints reported pursuant to [subsections 6
4 and 7 of this section] sections 43.500 to 43.506. Such
5 information shall include, for each charge:

6 (1) All judgments of not guilty, acquittals on the ground
7 of mental disease or defect excluding responsibility, judgments
8 or pleas of guilty including the sentence, if any, or probation,
9 if any, pronounced by the court, nolle pros, discharges, releases
10 and dismissals in the trial court;

11 (2) Court orders filed with the clerk of the courts which
12 reverse a reported conviction or vacate or modify a sentence;

13 (3) Judgments terminating or revoking a sentence to
14 probation, supervision or conditional release and any
15 resentencing after such revocation; and

16 (4) The offense cycle number of the offense, and the
17 originating agency identifier number of the
18 [reporting] sentencing court, using such numbers as assigned by
19 the highway patrol.

20 [5.] 7. The clerk of the courts of each county or city not
21 within a county shall furnish, to the department of corrections
22 or department of mental health, court judgment and sentence
23 documents and the state offense cycle number and the charge code
24 of the offense[,] which [result] resulted in the commitment or
25 assignment of an offender[,] to the jurisdiction of the

1 department of corrections or the department of mental health if
2 the person is committed pursuant to chapter 552, RSMo. This
3 information shall be reported to the department of corrections or
4 the department of mental health at the time of commitment or
5 assignment. If the offender was already in the custody of the
6 department of corrections or the department of mental health at
7 the time of such subsequent conviction, the clerk shall furnish
8 notice of such subsequent conviction to the appropriate
9 department by certified mail, return receipt requested or in a
10 manner and format mutually agreed to, within [ten] fifteen days
11 of such disposition.

12 [6. After the court pronounces sentence, including an order
13 of supervision or an order of probation granted for any offense
14 which is required by statute to be collected, maintained, or
15 disseminated by the central repository, or commits a person to
16 the department of mental health pursuant to chapter 552, RSMo,]
17 8. Information and fingerprints, and other indicia forwarded to
18 the central repository, normally obtained from a person at the
19 time of the arrest, may be obtained at any time the subject is in
20 the criminal justice system or committed to the department of
21 mental health. A law enforcement agency or the department of
22 corrections may fingerprint the person and obtain the necessary
23 information at any time the subject is in custody. If at the
24 time of disposition, the defendant has not been fingerprinted for
25 an offense in which a fingerprint is required by statute to be

1 collected, maintained, or disseminated by the central repository,
2 the court shall order a law enforcement agency to fingerprint
3 immediately [all persons appearing before the court to be
4 sentenced or committed who have not previously been fingerprinted
5 for the same case] the defendant. The law enforcement agency
6 shall submit such fingerprints to the central repository without
7 undue delay and shall furnish the offense cycle number associated
8 with the fingerprints to the prosecuting attorney or the circuit
9 attorney of a city not within a county and to the court clerk of
10 the court ordering the subject fingerprinted.

11 [7.] 9. The department of corrections and the department of
12 mental health shall furnish the central repository with all
13 information concerning the receipt, escape, execution, death,
14 release, pardon, parole, commutation of sentence, granting of
15 executive clemency, legal name change, or discharge of an
16 individual who has been sentenced to that department's custody
17 for any offenses which are mandated by law to be collected,
18 maintained or disseminated by the central repository. All
19 records forwarded to the central repository by the department as
20 required by sections 43.500 to 43.530 shall include the offense
21 cycle number of the offense, and the originating agency
22 identifier number of the department using such numbers as
23 assigned by the highway patrol.

24 43.506. 1. Those offenses considered reportable for the
25 purposes of sections 43.500 to [43.530] 43.543 include all

1 felonies and serious or aggravated misdemeanors consistent with
2 the reporting standards established by the National Crime
3 Information Center, Federal Bureau of Investigation, for the
4 Federal Interstate Identification Index System. In addition, all
5 cases arising pursuant to sections 566.010 to 566.141, RSMo,
6 where the defendant pleads guilty to an offense involving a child
7 under seventeen years of age and the court imposes a suspended
8 imposition of sentence shall be reported. The following types of
9 offenses shall not be considered reportable for the purposes of
10 sections 57.403, RSMo, 43.500 to 43.530, and 595.200 to 595.218,
11 RSMo: disturbing the peace, curfew violation, loitering, false
12 fire alarm, disorderly conduct, nonspecific charges of suspicion
13 or investigation, and general traffic violations and all
14 misdemeanor violations of the state wildlife code. All
15 violations for driving under the influence of drugs or alcohol
16 are reportable. All offenses considered reportable shall be
17 reviewed annually and noted in the Missouri charge code manual
18 established in section 43.512. All information collected
19 pursuant to sections 43.500 to 43.530 shall be available only as
20 set forth in section 610.120, RSMo.

21 2. [With the exception of the manual reporting of arrests
22 and fingerprints by law enforcement agencies as noted in
23 subsection 2 of section 43.503, and notwithstanding subsections 2
24 to 7 of section 43.503,] Law enforcement agencies, court clerks,
25 prosecutors and custody agencies may report required information

1 by electronic medium either directly to the central repository or
2 indirectly to the central repository via other criminal justice
3 agency computer systems in the state with the approval of the
4 [advisory committee] highway patrol, based upon standards
5 established by the advisory committee.

6 3. In addition to the repository of fingerprint records for
7 individual offenders and applicants, the central repository of
8 criminal history and identification records for the state shall
9 maintain a repository of latent prints, palm prints and other
10 prints submitted to the repository.

11 43.527. For purposes of sections 43.500 to 43.530 all
12 [federal and nonstate of Missouri] agencies and persons shall pay
13 for criminal records checks, fingerprint searches, and any of the
14 information as defined in subdivision (3) of section 43.500, when
15 such information is not related to the administration of criminal
16 justice. There shall be no charge for information supplied to
17 political subdivisions or criminal justice agencies for the
18 administration of criminal justice. There shall be no charge for
19 information requested by Missouri state agencies screening their
20 state employees or applicants for state employment. For purposes
21 of sections 43.500 to [43.530] 43.543 the administration of
22 criminal justice is defined in subdivision [(7)] (1) of section
23 43.500 and shall be available only as set forth in section
24 610.120, RSMo.

25 43.530. 1. For each request requiring the payment of a

1 fee received by the central repository, [as defined in
2 subdivision (1) of section 43.500,] the requesting entity shall
3 pay a fee of not more than five dollars per request for criminal
4 history record information not based on a fingerprint search and
5 pay a fee of not more than fourteen dollars per request for
6 [classification and search of fingerprints] criminal history
7 record information based on a fingerprint search. Each such
8 request shall be limited to check and search on one individual.
9 Each request shall be accompanied by a check, warrant, voucher,
10 or money order payable to the state of Missouri-criminal record
11 system or payment shall be made in a manner approved by the
12 highway patrol. There is hereby established by the treasurer of
13 the state of Missouri a fund to be entitled as the "Criminal
14 Record System Fund". Notwithstanding the provisions of section
15 33.080, RSMo, to the contrary, if the moneys collected and
16 deposited into this fund are not totally expended annually for
17 the purposes set forth in [section 43.527] sections 43.500 to
18 43.543, the unexpended moneys in such fund shall remain in the
19 fund and the balance shall be kept in the fund to accumulate from
20 year to year.

21 2. For purposes of obtaining criminal records prior to
22 issuance of a school bus operator's permit pursuant to section
23 302.272, RSMo, and for determining eligibility for such permit,
24 the applicant for such permit shall submit two sets of
25 fingerprints to the director of revenue when applying for the

1 permit. The fingerprints shall be collected in a manner approved
2 by the superintendent of the highway patrol. The school bus
3 permit applicant shall pay the appropriate fee described in this
4 section and pay the appropriate fee determined by the Federal
5 Bureau of Investigation for the federal criminal history record
6 when he or she applies for the school bus permit. Collections
7 for records described in this subsection shall be deposited in
8 the criminal record system fund.

9 43.532. 1. Criminal history and identification records
10 obtained from the central repository shall be used solely for the
11 purpose for which they were obtained. The subject of the record
12 shall be afforded the opportunity to challenge the correctness,
13 accuracy, or completeness of a criminal history record.

14 2. The central records repository shall have authority to
15 engage in the practice of collecting, assembling, or
16 disseminating criminal history record information for the purpose
17 of retaining manually or electronically stored criminal history
18 information. Any person obtaining criminal history record
19 information from the central repository under false pretense, or
20 who advertises or engages in the practice of collecting,
21 assembling, and disseminating as a business enterprise, other
22 than for the purpose of furnishing criminal history information
23 to the authorized requester for its intended purpose, is guilty
24 of a class A misdemeanor.

25 43.540. 1. As used in this section, the following terms

1 mean:

2 (1) "Authorized state agency", a division of state
3 government or an office of state government designated by the
4 statutes of Missouri to issue or renew a license, permit,
5 certification, or registration of authority to a qualified
6 entity;

7 (2) "Care", the provision of care, treatment, education,
8 training, instruction, supervision, or recreation;

9 (3) "Missouri criminal record review", a [request to the
10 highway patrol for information concerning any criminal history
11 record for a felony or misdemeanor and any offense for which the
12 person has registered pursuant to sections 589.400 to 589.425,
13 RSMo] review of criminal history records or sex offender
14 registration records pursuant to sections 589.400 to 589.425,
15 RSMo, maintained by the Missouri state highway patrol in the
16 Missouri criminal records repository;

17 (4) "National criminal record review", a review of the
18 criminal history records maintained by the Federal Bureau of
19 Investigation;

20 [(2)] (5) "Patient or resident", a person who by reason of
21 [aging] age, illness, disease or physical or mental infirmity
22 receives or requires care or services furnished by a provider, as
23 defined in this section, or who resides or boards in, or is
24 otherwise kept, cared for, treated or accommodated in a facility
25 as defined in section 198.006, RSMo, for a period exceeding

1 twenty-four consecutive hours;

2 [(3) "Patrol", the Missouri state highway patrol;

3 (4)] (6) "Provider", [any licensed day care home, licensed
4 day care center, licensed child-placing agency, licensed
5 residential care facility for children, licensed group home,
6 licensed foster family group home, licensed foster family home or
7 any operator licensed pursuant to chapter 198, RSMo, any employer
8 of nurses or nursing assistants for temporary or intermittent
9 placement in health care facilities or any entity licensed
10 pursuant to chapter 197, RSMo] a person who:

11 (a) Has or may have unsupervised access to children, the
12 elderly, or persons with disabilities; and

13 (b) Is employed by or seeks employment with a qualified
14 entity; or

15 (c) Volunteers or seeks to volunteer with a qualified
16 entity; or

17 (d) Owns or operates a qualified entity;

18 (7) "Qualified entity", a person, business, or
19 organization, whether public or private, for profit, not-for-
20 profit, or voluntary, that provides care, placement, or
21 educational services for children, the elderly, or persons with
22 disabilities as patients or residents, including a business or
23 organization that licenses or certifies others to provide care or
24 placement services;

25 [(5)] (8) "Youth services agency", any public or private

1 agency, school, or association which provides programs, care or
2 treatment for or which exercises supervision over minors.

3 [2. Upon receipt of a written request from a private
4 investigatory agency, a youth service agency or a provider, with
5 the written consent of the applicant, the highway patrol shall
6 conduct a criminal record review of an applicant for a paid or
7 voluntary position with the agency or provider if such position
8 would place the applicant in contact with minors, patients or
9 residents.

10 3. Any request for information made pursuant to the
11 provisions of this section shall be on a form provided by the
12 highway patrol and shall be signed by the person who is the
13 subject of the request.

14 4. The patrol shall respond in writing to the youth service
15 agency or provider making a request for information pursuant to
16 this section and shall inform such youth service agency or
17 provider of the address and offense for which the offender
18 registered pursuant to sections 589.400 to 589.425, RSMo, and the
19 nature of the offense, and the date, place and court for any
20 other offenses contained in the criminal record review.

21 Notwithstanding any other provision of law to the contrary, the
22 youth service agency or provider making such request shall have
23 access to all records of arrests resulting in an adjudication
24 where the applicant was found guilty or entered a plea of guilty
25 or nolo contendere in a prosecution pursuant to chapter 565,

1 RSMo, sections 566.010 to 566.141, RSMo, or under the laws of any
2 state or the United States for offenses described in sections
3 566.010 to 566.141, RSMo, or chapter 565, RSMo, during the period
4 of any probation imposed by the sentencing court.

5 5. Any information received by a provider or a youth
6 services agency pursuant to this section shall be used solely for
7 the provider's or youth service agency's internal purposes in
8 determining the suitability of an applicant or volunteer. The
9 information shall be confidential and any person who discloses
10 the information beyond the scope allowed in this section is
11 guilty of a class A misdemeanor. The patrol shall inform, in
12 writing, the provider or youth services agency of the
13 requirements of this subsection and the penalties provided in
14 this subsection at the time it releases any information pursuant
15 to this section.]

16 2. A qualified entity may obtain a Missouri criminal record
17 review of a provider from the highway patrol by furnishing
18 information on forms and in the manner approved by the highway
19 patrol.

20 3. A qualified entity may request a Missouri criminal
21 record review and a national criminal record review of a provider
22 through an authorized state agency. No authorized state agency
23 is required by this section to process Missouri or national
24 criminal record reviews for a qualified entity, however, if an
25 authorized state agency agrees to process Missouri and national

1 criminal record reviews for a qualified entity, the qualified
2 entity shall provide to the authorized state agency on forms and
3 in a manner approved by the highway patrol the following:

4 (1) Two sets of fingerprints of the provider;

5 (2) A statement signed by the provider which contains:

6 (a) The provider's name, address, and date of birth;

7 (b) Whether the provider has been convicted of or has pled
8 guilty to a crime which includes a suspended imposition of
9 sentence;

10 (c) If the provider has been convicted of or has pled
11 guilty to a crime, a description of the crime, and the
12 particulars of the conviction or plea;

13 (d) The authority of the qualified entity to check the
14 provider's criminal history;

15 (e) The right of the provider to review the report received
16 by the qualified entity; and

17 (f) The right of the provider to challenge the accuracy of
18 the report. If the challenge is to the accuracy of the criminal
19 record review, the challenge shall be made to the highway patrol.

20 4. The authorized state agency shall forward the required
21 forms and fees to the highway patrol. The results of the record
22 review shall be forwarded to the authorized state agency who will
23 notify the qualified entity. The authorized state agency may
24 assess a fee to the qualified entity to cover the cost of
25 handling the criminal record review and may establish an account

1 solely for the collection and dissemination of fees associated
2 with the criminal record reviews.

3 5. Any information received by an authorized state agency
4 or a qualified entity pursuant to the provisions of this section
5 shall be used solely for internal purposes in determining the
6 suitability of a provider. The dissemination of criminal history
7 information from the Federal Bureau of Investigation beyond the
8 authorized state agency or related governmental entity is
9 prohibited. All criminal record check information shall be
10 confidential and any person who discloses the information beyond
11 the scope allowed is guilty of a class A misdemeanor.

12 6. The highway patrol shall make available or approve the
13 necessary forms, procedures, and agreements necessary to
14 implement the provisions of this section.

15 43.542. In order to facilitate the authorized interstate
16 exchange of criminal history information for noncriminal justice
17 purposes to adopt the National Crime Prevention and Privacy
18 Compact, 42 U.S.C. 14616, the legislature approves and adopts the
19 compact. The chief administrator of the state's criminal history
20 records repository shall execute the compact on behalf of the
21 state of Missouri.

22 43.543. Any state agency listed in section 621.045, RSMo,
23 [or any state agency which provides programs, care or treatment
24 for or which exercises supervision over minors shall submit two
25 sets of fingerprints for any person seeking employment with such

1 agency or provider or for any person who is seeking the issuance
2 or renewal of a license, permit or certificate of registration or
3 authority from such agency, for the purpose of checking the
4 person's prior criminal history when the state agency determines
5 a nationwide check is warranted. The fingerprint cards and any
6 required fees shall be sent to the Missouri state highway
7 patrol's criminal records division. The first set of
8 fingerprints shall be used for searching the state repository of
9 criminal history information. If no identification is made, the
10 second set of fingerprints shall be forwarded to the Federal
11 Bureau of Investigation, Identification Division, for the
12 searching of the federal criminal history files. The patrol
13 shall notify the submitting state agency of any criminal history
14 information or lack of criminal history information discovered on
15 the individual.] the division of professional registration of the
16 department of economic development, the department of social
17 services, the supreme court of Missouri, the department of
18 elementary and secondary education, the Missouri lottery, and the
19 Missouri gaming commission, which screen persons seeking
20 employment with such agencies or issuance or renewal of a
21 license, permit, certificate, or registration of authority from
22 such agencies; or any state agency or committee which is
23 authorized by state statute or executive order to screen
24 applicants or candidates seeking or considered for employment,
25 assignment, or appointment to a position within state government;

1 or the Missouri peace officers standards and training, POST,
2 commission which screens persons, not employed by a criminal
3 justice agency, who seek enrollment or access into a certified
4 POST training academy police school, or persons seeking a permit
5 to purchase or possess a firearm for employment as a watchman,
6 security personnel, or private investigator; or law enforcement
7 agencies which screen persons seeking issuance or renewal of a
8 license, permit, certificate, or registration to purchase or
9 possess a firearm shall submit two sets of fingerprints to the
10 Missouri state highway patrol, Missouri criminal records
11 repository, for the purpose of checking the person's criminal
12 history. The first set of fingerprints shall be used to search
13 the Missouri criminal records repository and the second set shall
14 be submitted to the Federal Bureau of Investigation to be used
15 for searching the federal criminal history files if necessary.
16 The fingerprints shall be submitted on forms and in the manner
17 prescribed by the Missouri state highway patrol. Fees assessed
18 for the searches shall be paid in the manner prescribed by the
19 Missouri state highway patrol. Notwithstanding the provisions of
20 section 610.120, RSMo, all records related to any criminal
21 history information discovered shall be accessible and available
22 to the state agency making the record request.

23 43.650. 1. The patrol shall, subject to appropriation,
24 maintain a web page on the Internet which shall be open to the
25 public and shall include a registered sexual offender search

1 capability.

2 2. The registered sexual offender search shall make it
3 possible for any person using the Internet to search for and find
4 the information specified in subdivisions (1) to (4) of
5 subsection 4 of this section, if known, on offenders registered
6 in this state pursuant to sections 589.400 to 589.425, RSMo,
7 except that only persons who have been convicted of, found guilty
8 of or plead guilty to committing or attempting to commit sexual
9 offenses shall be included on this web site.

10 3. The registered sexual offender search shall include the
11 capability to search for sexual offenders by name, zip code, and
12 by typing in an address and specifying a search within a certain
13 number of miles radius from that address.

14 4. Only the information listed in subdivisions (1) to (4)
15 of this subsection shall be provided to the public in the
16 registered sexual offender search:

17 (1) The name of the offender;

18 (2) The last known address of the offender, including the
19 street address, city, county, state, and zip code;

20 (3) A photograph of the offender; and

21 (4) The crime or crimes for which the offender was
22 convicted that caused him or her to have to register.

23 195.505. 1. Any two or more political subdivisions or the
24 state highway patrol and any one or more political subdivisions
25 may by order or ordinance agree to cooperate with one another in

1 the formation of a multijurisdictional enforcement group for the
2 purpose of intensive professional investigation of computer,
3 internet-based, narcotics and drug law violations.

4 2. The power of arrest of any peace officer who is duly
5 authorized as a member of a MEG unit shall only be exercised
6 during the time such peace officer is an active member of a MEG
7 unit and only within the scope of the investigation on which the
8 MEG unit is working. Notwithstanding other provisions of law to
9 the contrary, such MEG officer shall have the power of arrest, as
10 limited in this subsection, anywhere in the state and shall
11 provide prior notification to the chief of police of the
12 municipality in which the arrest is to take place or the sheriff
13 of the county if the arrest is to be made in his venue. If
14 exigent circumstances exist, such arrest may be made; however,
15 notification shall be made to the chief of police or sheriff, as
16 appropriate, as soon as practical. The chief of police or
17 sheriff may elect to work with the MEG unit at his option when
18 such MEG is operating within the jurisdiction of such chief of
19 police or sheriff.

20 210.903. 1. To protect children, the elderly, and disabled
21 individuals in this state, and to promote family and community
22 safety by providing information concerning family caregivers,
23 there is hereby established within the department of health and
24 senior services a "Family Care Safety Registry and Access Line"
25 which shall be available by January 1, 2001.

1 2. The family care safety registry shall contain
2 information on child-care workers', elder-care workers', and
3 personal-care workers' background and on child-care, elder-care
4 and personal-care providers through:

5 (1) The patrol's criminal record check system pursuant to
6 section 43.540, RSMo, including state and national information,
7 to the extent possible;

8 (2) Probable cause findings of abuse and neglect pursuant
9 to sections 210.109 to 210.183 and, as of January 1, 2003,
10 financial exploitation of the elderly or disabled, pursuant to
11 section 570.145, RSMo;

12 (3) The division of aging's employee disqualification list
13 pursuant to section 660.315, RSMo;

14 (4) As of January 1, 2003, the department of mental
15 health's employee disqualification registry;

16 (5) Foster parent licensure denials, revocations and
17 involuntary suspensions pursuant to section 210.496;

18 (6) Child-care facility license denials, revocations and
19 suspensions pursuant to sections 210.201 to 210.259; [and]

20 (7) Residential living facility and nursing home license
21 denials, revocations, suspensions and probationary status
22 pursuant to chapter 198, RSMo; and

23 (8) As of January 1, 2004, a check of the patrol's Missouri
24 uniform law enforcement system (MULES) for sexual offender
25 registrations pursuant to section 589.400, RSMo.

1 210.909. 1. Upon submission of a completed registration
2 form by a child-care worker, elder-care worker or personal-care
3 attendant, the department shall:

4 (1) Determine if a probable cause finding of child abuse or
5 neglect involving the applicant has been recorded pursuant to
6 sections 210.109 to 210.183 and, as of January 1, 2003, if there
7 is a probable cause finding of financial exploitation of the
8 elderly or disabled pursuant to section 570.145, RSMo;

9 (2) Determine if the applicant has been refused licensure
10 or has experienced involuntary licensure suspension or revocation
11 pursuant to section 210.496;

12 (3) Determine if the applicant has been placed on the
13 employee disqualification list pursuant to section 660.315, RSMo;

14 (4) As of January 1, 2003, determine if the applicant is
15 listed on the department of mental health's employee
16 disqualification registry;

17 (5) Determine through a request to the patrol pursuant to
18 section 43.540, RSMo, whether the applicant has any [conviction,
19 plea of guilty or nolo contendere, or a suspended execution of
20 sentence to a charge of any offense pursuant to chapters 198,
21 334, 560, 565, 566, 568, 569, 573, 575 and 578, RSMo] criminal
22 history record for a felony or misdemeanor or any offense for
23 which the person has registered pursuant to sections 589.400 to
24 589.425, RSMo; and

25 (6) If the background check involves a provider, determine

1 if a facility has been refused licensure or has experienced
2 licensure suspension, revocation or probationary status pursuant
3 to sections 210.201 to 210.259 or chapter 198, RSMo; and

4 (7) As of January 1, 2004, determine through a request to
5 the patrol if the applicant is a registered sexual offender
6 pursuant to section 589.400, RSMo, listed in the Missouri uniform
7 law enforcement system (MULES).

8 2. Upon completion of the background check described in
9 subsection 1 of this section, the department shall include
10 information in the registry for each registrant as to whether any
11 convictions, employee disqualification listings, registry
12 listings, probable cause findings, pleas of guilty or nolo
13 contendere, or license denial, revocation or suspension have been
14 documented through the records checks authorized pursuant to the
15 provisions of sections 210.900 to 210.936.

16 3. The department shall notify such registrant in writing
17 of the results of the determination recorded on the registry
18 pursuant to this section.

19 210.922. The department of health and senior services,
20 department of mental health, and department of social services
21 may use the registry information to carry out the duties assigned
22 to the department pursuant to this chapter and chapters 190, 195,
23 197, 198, 630, and 660, RSMo.

24 221.320. In each county of the state the presiding judge of
25 the circuit court, or such other judge or judges as may be

1 determined by local circuit court rule, may, [and] upon the
2 petition of fifteen reputable citizens [shall] or upon the motion
3 of a majority of the court en banc, appoint six persons, three of
4 whom shall be women, and not more than three shall have the same
5 political affiliations, who shall constitute a board of county
6 visitors, [two] all of whom, [as indicated by the appointing
7 judge,] upon the fixed appointment, shall serve for one year[,
8 two for two years and two for three years, and upon the
9 expiration of the term of each, his or her place and that of his
10 or her successor shall, in like manner, be filled for the term of
11 three years, who] and shall constitute [a] the board of visitors
12 for the inspection of all corrective institutions supported by
13 such county[, who shall serve without compensation]. The members
14 of the board shall serve without compensation and shall enjoy the
15 same immunity from lawsuits as judicial officers.

16 221.340. It shall be the duty of such board of visitors, by
17 personal visitation or otherwise, to keep themselves fully
18 advised of the conditions and management of all corrective
19 institutions, supported wholly or in part by county or municipal
20 taxation, or which are under county or municipal control, and
21 especially the county jails[, almshouses and municipal prisons].
22 They shall examine every department of each institution, and
23 shall ascertain its condition as to effective and economical
24 administration, the cleanliness, discipline and comfort of its
25 inmates and other respects, and at least once in every three

1 months all of said institutions shall be visited by said board or
2 a committee of its members. In case the said board or one of its
3 committees shall find any state of things in any institution,
4 which in their opinion shall be injurious to the county or to the
5 inmates of the institution, or which is contrary to good order
6 and public policy, it shall be their duty to address a memorial
7 to the presiding judge, sheriff, and county commission, or other
8 officials having jurisdiction, in which memorial they shall set
9 forth the facts observed and shall suggest such remedies as in
10 their judgment may be necessary.

11 221.350. The board of county visitors each year shall
12 prepare a full report of their proceedings during the year, with
13 such recommendations as they may deem advisable, and shall file
14 the same with the [director of the division of family services of
15 the department of social services on or before the first day of
16 November of each year] presiding judge of the circuit court,
17 sheriff, and county commission. Whenever the board of county
18 visitors shall present a memorial or report to the county
19 commission or to the judge of the circuit court, they shall, at
20 the same time, transmit a copy of the same to the [director of
21 the division of family services and they may at any time call
22 upon him for advice and assistance in the performance of their
23 duties. The director of the division of family services shall
24 furnish each board of county visitors with such stationery,
25 blanks and postage stamps as said board of county visitors may

1 need to make the report prescribed by this section to the
2 division of family services] sheriff of the county.

3 589.400. 1. Sections 589.400 to 589.425 shall apply to:

4 (1) Any person who, since July 1, 1979, has been or is
5 hereafter convicted of, been found guilty of, or pled guilty to
6 committing, or attempting to commit, a felony offense of chapter
7 566, RSMo, or any offense of chapter 566, RSMo, where the victim
8 is a minor; or

9 (2) Any person who, since July 1, 1979, has been or is
10 hereafter convicted of, been found guilty of, or pled guilty to
11 committing, or attempting to commit one or more of the following
12 offenses: kidnapping, pursuant to section 565.110, RSMo;
13 felonious restraint; promoting prostitution in the first degree;
14 promoting prostitution in the second degree; promoting
15 prostitution in the third degree; incest; abuse of a child,
16 pursuant to section 568.060, RSMo; use of a child in a sexual
17 performance; or promoting sexual performance by a child; and
18 committed or attempted to commit the offense against a victim who
19 is a minor, defined for the purposes of sections 589.400 to
20 589.425 as a person under eighteen years of age; or

21 (3) Any person who, since July 1, 1979, has been committed
22 to the department of mental health as a criminal sexual
23 psychopath; or

24 (4) Any person who, since July 1, 1979, has been found not
25 guilty as a result of mental disease or defect of any offense

1 listed in subdivision (1) or (2) of this subsection; or

2 (5) Any person who is a resident of this state who has,
3 since July 1, 1979, or is hereafter convicted of, been found
4 guilty of, or pled guilty to or nolo contendere in any other
5 state or under federal jurisdiction to committing, or attempting
6 to commit, an offense which, if committed in this state, would be
7 a violation of chapter 566, RSMo, or a felony violation of any
8 offense listed in subdivision (2) of this subsection or has been
9 or is required to register in another state or has been or is
10 required to register under federal or military law; or

11 (6) Any person who has been or is required to register in
12 another state or has been or is required to register under
13 federal or military law and who works or attends school or
14 training on a full-time or on a part-time basis in Missouri.
15 "Part-time" in this subdivision means for more than fourteen days
16 in any twelve-month period.

17 2. Any person to whom sections 589.400 to 589.425 apply
18 shall, within ten days of conviction, release from incarceration,
19 or placement upon probation, register with the chief law
20 enforcement official of the county in which such person resides
21 unless such person has already registered in that county for the
22 same offense. Any person to whom sections 589.400 to 589.425
23 apply if not currently registered in their county of residence
24 shall register with the chief law enforcement official of such
25 county within ten days of August 28, 2002. The chief law

1 enforcement official shall forward a copy of the registration
2 form required by section 589.407 to a city, town [or], village,
3 or campus law enforcement agency located within the county of the
4 chief law enforcement official, if so requested. Such request
5 may ask the chief law enforcement official to forward copies of
6 all registration forms filed with such official.

7 The chief law enforcement official may forward a copy of such
8 registration form to any city, town [or], village, or campus law
9 enforcement agency, if so requested.

10 3. The registration requirements of sections 589.400
11 through 589.425 are lifetime registration requirements unless all
12 offenses requiring registration are reversed, vacated or set
13 aside or unless the registrant is pardoned of the offenses
14 requiring registration.

15 589.407. Any registration pursuant to sections 589.400 to
16 589.425 shall consist of completion of an offender registration
17 form developed by the Missouri state highway patrol. Such form
18 shall include, but is not limited to the following:

19 (1) A statement in writing signed by the person, giving the
20 name, address, Social Security number and phone number of the
21 person, the place of employment of such person, enrollment within
22 any institutions of higher education, the crime which requires
23 registration, whether the person was sentenced as a persistent or
24 predatory offender pursuant to section 558.018, RSMo, the date,
25 place, and a brief description of such crime, the date and place

1 of the conviction or plea regarding such crime, the age and
2 gender of the victim at the time of the offense and whether the
3 person successfully completed the Missouri sexual offender
4 program pursuant to section 589.040, if applicable; and

5 (2) The fingerprints and a photograph of the person.

6 589.414. 1. If any person required by sections 589.400 to
7 589.425 to register changes residence or address within the same
8 county as such person's previous address, the person shall inform
9 the chief law enforcement official in writing within ten days of
10 such new address and phone number, if the phone number is also
11 changed.

12 2. If any person required by sections 589.400 to 589.425 to
13 register changes such person's residence or address to a
14 different county, the person shall appear in person and shall
15 inform both the chief law enforcement official with whom the
16 person last registered and the chief law enforcement official of
17 the county having jurisdiction over the new residence or address
18 in writing within ten days, of such new address and phone number,
19 if the phone number is also changed. If any person required by
20 sections 589.400 to 589.425 to register changes their state of
21 residence, the person shall appear in person and shall inform
22 both the chief law enforcement official with whom the person was
23 last registered and the chief law enforcement official of the
24 area in the new state having jurisdiction over the new residence
25 or address within ten days of such new address. Whenever a

1 registrant changes residence, the chief law enforcement official
2 of the county where the person was previously registered shall
3 promptly inform the Missouri state highway patrol of the change.
4 When the registrant is changing the residence to a new state, the
5 Missouri state highway patrol shall promptly inform the
6 responsible official in the new state of residence.

7 3. Any person required by sections 589.400 to 589.425 to
8 register who changes his or her enrollment or employment status
9 with any institution of higher education within the state, by
10 either beginning or ending such enrollment or employment, shall
11 inform the chief law enforcement officer of such change within
12 seven days after such change is made.

13 4. Any person required by sections 589.400 to 589.425 to
14 register who officially changes such person's name shall inform
15 the chief law enforcement officer of such name change within
16 seven days after such change is made.

17 [4.] 5. In addition to the requirements of subsections 1
18 and 2 of this section, the following offenders shall report in
19 person to the county law enforcement agency every ninety days to
20 verify the information contained in their statement made pursuant
21 to section 589.407:

22 (1) Any offender registered as a predatory or persistent
23 sexual offender under the definitions found in section 558.018,
24 RSMo;

25 (2) Any offender who is registered for a crime where the

1 victim was less than eighteen years of age at the time of the
2 offense; and

3 (3) Any offender who has pled guilty or been found guilty
4 pursuant to section 589.425 of failing to register or submitting
5 false information when registering.

6 [5.] 6. In addition to the requirements of subsections 1
7 and 2 of this section, all registrants shall report annually in
8 person in the month of their birth to the county law enforcement
9 agency to verify the information contained in their statement
10 made pursuant to section 589.407.

11 [6.] 7. In addition to the requirements of subsections 1
12 and 2 of this section, all Missouri registrants who work or
13 attend school or training on a full-time or part-time basis in
14 any other state shall be required to report in person to the
15 chief law enforcement officer in the area of the state where they
16 work or attend school or training and register in that state.
17 Part-time in this subsection means for more than fourteen days in
18 any twelve-month period.

19 610.120. 1. Records required to be closed shall not be
20 destroyed; they shall be inaccessible to the general public and
21 to all persons other than the defendant except as provided in
22 this section and section 43.507, RSMo. [They shall be available
23 to] The closed records shall be available to: criminal justice
24 agencies for the administration of criminal justice pursuant to
25 section 43.500, RSMo, criminal justice employment, screening

1 persons with access to criminal justice facilities, procedures,
2 and sensitive information; to law enforcement agencies for
3 issuance or renewal of a license, permit, certification, or
4 registration of authority from such agency including but not
5 limited to watchmen, security personnel, private investigators,
6 and persons seeking permits to purchase or possess a firearm;
7 those agencies authorized by section 43.543, RSMo, to submit and
8 when submitting fingerprints to the central repository; the
9 sentencing advisory commission created in section 558.019, RSMo,
10 for the purpose of studying sentencing practices[, and only to
11 courts, law enforcement agencies, child care agencies,] in
12 accordance with section 43.507, RSMo; to qualified entities for
13 the purpose of screening providers defined in section 43.540,
14 RSMo; the department of revenue for [driving record purposes,
15 facilities as defined in section 198.006, RSMo, in-home services
16 provider agencies as defined in section 660.250, RSMo,] driver
17 license administration; the division of workers' compensation for
18 the purposes of determining eligibility for crime victims'
19 compensation pursuant to sections 595.010 to 595.075, RSMo,
20 department of health and senior services for the purpose of
21 licensing and regulating facilities and regulating in-home
22 services provider agencies and federal agencies for purposes of
23 [prosecution, sentencing, parole consideration,] criminal justice
24 administration, criminal justice employment, child, elderly, or
25 disabled care [employment, nursing home employment], and [to

1 federal agencies] for such investigative purposes as authorized
2 by law or presidential executive order.

3 2. These records shall be made available only for the
4 [above] purposes [regardless of any previous statutory provision
5 which had closed such records to certain agencies or for certain
6 purposes.] and to the entities listed in this section. A
7 criminal justice agency receiving a request for criminal history
8 information under its control may require positive
9 identification, to include fingerprints of the subject of the
10 record search, prior to releasing closed record information.
11 Dissemination of closed and open records from the Missouri
12 criminal records repository shall be in accordance with section
13 43.509, RSMo. All records which are closed records shall be
14 removed from the records of the courts, administrative agencies,
15 and law enforcement agencies which are available to the public
16 and shall be kept in separate records which are to be held
17 confidential and, where possible, pages of the public record
18 shall be retyped or rewritten omitting those portions of the
19 record which deal with the defendant's case. If retyping or
20 rewriting is not feasible because of the permanent nature of the
21 record books, such record entries shall be blacked out and
22 recopied in a confidential book.

23 [2. As used in this section, the term "child care" includes
24 providers and youth services agencies as those terms are defined
25 in section 43.540, RSMo, elementary and secondary school

1 teachers, and elementary and secondary school bus drivers,
2 whether such drivers are employed by a school or an entity which
3 has contracted with the school to provide transportation
4 services.]

5 610.123. 1. Any person who wishes to have a record of
6 arrest expunged pursuant to section 610.122 may file a verified
7 petition for expungement in the civil division of the circuit
8 court in the county of the arrest as provided in subsection 4 of
9 this section. The petition shall include the following
10 information or shall be dismissed if the information is not
11 given:

12 (1) The petitioner's:

13 (a) Full name;

14 (b) Sex;

15 (c) Race;

16 (d) Date of birth;

17 (e) Driver's license number;

18 (f) Social Security number; and

19 (g) Address at the time of the arrest;

20 (2) The offense charged against the petitioner;

21 (3) The date the petitioner was arrested;

22 (4) The name of the county where the petitioner was
23 arrested and if the arrest occurred in a municipality, the name
24 of the municipality;

25 (5) The name of the agency that arrested the petitioner;

1 (6) The case number and court of the offense;

2 (7) Petitioner's fingerprints on a standard fingerprint
3 card at the time of filing a petition to expunge a record that
4 will be forwarded to the central repository for the sole purpose
5 of positively identifying the petitioner.

6 2. The petition shall name as defendants all law
7 enforcement agencies, courts, prosecuting attorneys, central
8 state depositories of criminal records or others who the
9 petitioner has reason to believe may possess the records subject
10 to expungement. The court's order shall not affect any person or
11 entity not named as a defendant in the action.

12 3. The court shall set a hearing on the matter no sooner
13 than thirty days from the filing of the petition and shall give
14 reasonable notice of the hearing to each official or agency or
15 other entity named in the petition.

16 4. If the court finds that the petitioner is entitled to
17 expungement of any record that is the subject of the petition, it
18 shall enter an order directing expungement. A copy of the order
19 shall be provided to each agency identified in the petition
20 pursuant to subsection 2 of this section.

21 5. The supreme court shall promulgate rules establishing
22 procedures for the handling of cases filed pursuant to the
23 provisions of this section and section 610.122. Such procedures
24 shall be similar to the procedures established in chapter 482,
25 RSMo, for the handling of small claims.

1 630.170. 1. A person who is listed on the department of
2 mental health disqualification registry pursuant to this section,
3 who is listed on the department of social services or the
4 department of health and senior services employee
5 disqualification list pursuant to section 660.315, RSMo, or who
6 has been convicted of or pled guilty or nolo contendere to any
7 crime pursuant to section 630.155 or 630.160 shall be
8 disqualified from holding any position in any public or private
9 facility or day program operated, funded or licensed by the
10 department or in any mental health facility or mental health
11 program in which people are admitted on a voluntary or
12 involuntary basis or are civilly detained pursuant to chapter
13 632, RSMo.

14 2. A person who has been convicted of or pled guilty or
15 nolo contendere to any felony offense against persons as defined
16 in chapter 565, RSMo; [of] any felony sexual offense as defined
17 in chapter 566, RSMo; [of] any felony offense defined in section
18 568.020, 568.045, 568.050, 568.060, 569.020, 569.025, 569.030,
19 569.035, 569.040 [or], 569.050, 569.070, or 569.160, RSMo, or of
20 an equivalent felony offense, or who has been convicted of or
21 pled guilty or nolo contendere to any violation of subsection 3
22 of section 198.070, RSMo, shall be disqualified from holding any
23 direct-care position in any public or private facility, day
24 program, residential facility or specialized service operated,
25 funded or licensed by the department or any mental health

1 facility or mental health program in which people are admitted on
2 a voluntary basis or are civilly detained pursuant to chapter
3 632, RSMo.

4 3. A person who has received a suspended imposition of
5 sentence or a suspended execution of sentence following a plea of
6 guilty to any of the disqualifying crimes listed in subsection 1
7 or 2 of this section shall remain disqualified.

8 4. Any person disqualified pursuant to the provisions of
9 subsection 1 or 2 of this section may [appeal] seek an exception
10 to the disqualification [to] from the director of the department
11 or the director's designee. The request shall be written and may
12 not be made more than once every twelve months. The request may
13 be granted by the director or designee if in the judgment of the
14 director or designee a clear showing has been made by written
15 submission only, that the person will not commit any additional
16 acts for which the person had originally been disqualified for or
17 any other acts that would be harmful to a patient, resident or
18 client of a facility, program or service. The director or
19 designee may grant [the appeal] an exception subject to any
20 conditions deemed appropriate and failure to comply with such
21 terms may result in the person again being disqualified.
22 Decisions by the director or designee pursuant to the provisions
23 of this subsection shall not be subject to appeal. The right to
24 [appeal] request an exception pursuant to this subsection shall
25 not apply to persons [convicted of] who are disqualified due to

1 being listed on the department of social services or department
2 of health and senior services employee disqualification list
3 pursuant to section 660.315, RSMo, nor to persons disqualified
4 from employment due to any crime pursuant to the provisions of
5 chapter 566 [or 568], RSMo, or section 565.020 [or], 565.021,
6 568.020, 568.060, 569.025, or 569.070, RSMo.

7 5. An applicant for a direct care position in any public or
8 private facility, day program, residential facility, or
9 specialized service operated, funded, or licensed by the
10 department or any mental health facility or mental health program
11 in which people are admitted on a voluntary basis or are civilly
12 detained pursuant to chapter 632, RSMo, shall:

13 (1) Sign a consent form as required by section 43.540,
14 RSMo, to provide written consent for a criminal record review;

15 (2) Disclose the applicant's criminal history. For the
16 purposes of this subdivision "criminal history" includes any
17 suspended imposition of sentence, any suspended execution of
18 sentence, or any period of probation or parole; and

19 (3) Disclose if the applicant is listed on the employee
20 disqualification list as provided in section 660.315, RSMo, or
21 the department of mental health disqualification registry as
22 provided for in this section.

23 6. Any person who has received a good cause waiver issued
24 by the division of senior services or its predecessor under
25 subsection 9 of section 660.317, RSMo, shall not require an

1 additional exception under this section in order to be employed
2 in a long-term care facility licensed under chapter 198, RSMo.

3 7. Any public or private residential facility, day program,
4 or specialized service licensed, certified, or funded by the
5 department shall, not later than two working days after hiring
6 any person for a full-time, part-time, or temporary position that
7 will have contact with clients, residents, or patients:

8 (1) Request a criminal background check as provided in
9 section 43.540, RSMo;

10 (2) Make an inquiry to the department of social services
11 and department of health and senior services to determine whether
12 the person is listed on the employee disqualification list as
13 provided in section 660.315, RSMo; and

14 (3) Make an inquiry to the department of mental health to
15 determine whether the person is listed on the disqualification
16 registry as provided in this section.

17 8. An applicant who knowingly fails to disclose his or her
18 criminal history as required in subsection 5 of this section is
19 guilty of a class A misdemeanor. A provider is guilty of a class
20 A misdemeanor if the provider hires a person to hold a direct
21 care position knowing that such person has been disqualified
22 pursuant to the provisions of subsection 1 or 2 of this section.

23 [4.] 9. The department may maintain a disqualification
24 registry and place on the registry the names of any persons who
25 have been finally determined by the department to be disqualified

1 pursuant to this section, or who have had administrative
2 substantiations made against them for abuse or neglect pursuant
3 to department rule. Such list shall reflect that the person is
4 barred from holding any position in any public or private
5 facility or day program operated, funded or licensed by the
6 department, or any mental health facility or mental health
7 program in which persons are admitted on a voluntary basis or are
8 civilly detained pursuant to chapter 632, RSMo.

9 [43.521. Sections 43.500 to 43.530
10 shall not require fingerprinting of juvenile
11 offenders or reporting of information
12 pertaining to a proceeding pursuant to the
13 Missouri juvenile code, except in those cases
14 where a juvenile is certified to the circuit
15 court to stand trial as an adult.]

16 [210.937. The provisions of sections
17 210.900 to 210.936 shall terminate on January
18 1, 2004.]